

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 20, 2015  
**RE:** 16-0313CA/CU; 98 University Road

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: I                      Ward: IE

Owner/Applicant: University of Vermont / Vermont Lake Monsters

**Request:** Construct small retail enclosure for Lake Monsters at ball park

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Design Review), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to create a 550 sf retail enclosure under the bleachers at Centennial Field. Very little construction is included in this proposal. Some existing storage space under the bleachers will be fit up, and new overhead doors will be installed. The proposed "small retail" use is subject to conditional use review.

Previous zoning actions for this property are as follows:

- 5/6/94, Approval to replace outfield fence
- 10/28/94, Approval for concourse and concession stand improvements
- 11/17/94, Approval for stadium-wide renovations
- 6/2/99, Approval to install walk-in cooler
- 5/31/11, Approval to install temporary lockers
- 5/14/12, Approval to install replacement stadium light poles
- 10/1/12, Approval to install replacement and new fencing
- 10/9/12, Approval to expand size of existing dugouts
- 10/16/12, Approval to install replacement seats throughout
- 5/10/13, Approval to construct concrete deck behind home plate for additional seating
- 5/31/13, Approval to install ADA compliant ramp
- 8/27/13, Approval to install replacement seating
- 12/24/13, Approval to expand ticket office
- 10/10/14, Approval to remove concession stand and install 2 food trailers
- 11/10/14, Approval to install additional chain link fencing

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 3: Applications and Reviews**

#### **Part 5, Conditional Use & Major Impact Review:**

#### **Section 3.5.6 (a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015.)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed retail space will have little, if any, impact on public utilities, facilities, or services in the area. A state wastewater permit may be needed. If so, an ability to serve letter from the Department of Public Works will be needed. **(Affirmative finding as conditioned)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is zoned as Institutional (I). The I zone is intended primarily to support the city's major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions' roles as regional educational, health care, cultural, and research centers. The proposed small retail use, as associated with the university's ball park, is one of these related uses. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed small retail enclosure will have no nuisance impacts perceived from beyond the ball park. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

The proposed small retail enclosure will have no impact on traffic generation. It will operate only during ball park events and will draw in only customers coming to those events. **(Affirmative finding)**

*and,*

5. *The utilization of renewable energy resources;*

No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resource. **(Affirmative finding)**

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding as conditioned)**

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.4, Institutional District:***

###### ***(a) Purpose***

As noted above, the Institutional zone is intended primarily to support the city's major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions' roles as regional educational, health care, cultural, and research centers. The proposed small retail use, as associated with the university's ball park, is one of these related uses. **(Affirmative finding)**

###### ***(b) Dimensional Standards & Density***

Not applicable.

###### ***(c) Permitted & Conditional Uses***

The proposed small retail space is a conditional use within the Institutional zone. **(Affirmative finding)**

#### **Article 5: Citywide General Regulations**

##### ***Sec. 5.2.3, Lot Coverage Requirements***

Not applicable.

##### ***Sec. 5.2.4, Buildable Area Calculation***

Not applicable.

##### ***Sec. 5.2.5, Setbacks***

Not applicable.

##### ***Sec. 5.2.6, Building Height Limits***

Not applicable.

##### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

Not applicable.

##### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

##### ***Sec. 5.5.2, Outdoor Lighting***

Not applicable.

***Sec. 5.5.3, Stormwater and Erosion Control***

Not applicable.

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

Not applicable.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

Not applicable.

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

***(a) Relate development to its environment***

***1. Massing, Height, and Scale***

The massing, height, and scale of the existing bleacher structure will remain unchanged. Some existing storage space under the bleachers will be converted to the proposed small retail space.

**(Affirmative finding)**

***2. Roofs and Rooflines***

Not applicable.

***3. Building Openings***

The two-bay storage space will remain two bays with the small retail space. The two swing-open utility doors will be replaced by two overhead doors of similar dimensions. **(Affirmative finding)**

***(b) Protection of important architectural resources***

Centennial Field is historically significant and has been nominated for inclusion in the National Register of Historic Places. Construction related to the small retail space is minor and will not significantly impact this historic ball park. **(Affirmative finding)**

***(c) Protection of important public views***

See 6.2.2 (c) above.

***(d) Provide an active and inviting street edge***

Not applicable.

***(e) Quality of materials***

The existing storage space is enclosed with wooden board doors and siding. The conversion to retail space will include new “paint grade” plywood siding and rolling steel overhead doors. What little there is in the way of trim elements will match existing. These materials are acceptable in light of the location and small scope of work. **(Affirmative finding)**

***(f) Reduce energy utilization***

The proposed enclosure must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

*(g) Make advertising features complimentary to the site*  
No advertising is included in this proposal.

*(h) Integrate infrastructure into the building design*  
No utility meters or exterior mechanical equipment are included in this proposal. **(Affirmative finding)**

*(i) Make spaces safe and secure*  
The proposed enclosure must comply with the city's current egress requirements. **(Affirmative finding as conditioned)**

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

While it is extremely unlikely that anyone will come to a ball park event just to shop at the proposed retail space, the small retail enclosure requires 1 parking space (2 spaces per 1,000 sf: 550 sf retail space). No parking is identified in the application; however, given the excess parking demonstrated in the most recently approved Joint Institutional Parking Management Plan, available parking is adequate. The applicant must secure 1 of these parking spaces for use by the small retail space. **(Affirmative finding as conditioned)**

### ***Sec. 8.2.5, Bicycle Parking Requirements***

The proposed small retail use, at just 550 sf, is too small to require any bicycle parking. **(Affirmative finding)**

## **II. Conditions of Approval**

1. A state wastewater permit may be required. If so, an ability to serve letter from the Department of Public Works will be needed.
2. One (1) onsite parking space must be secured for use by the proposed small retail space.
3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
4. Standard permit conditions 1-15.